

JAN 27 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LESLIE ELWOOD-GARZA,

Plaintiff - Appellant,

v.

ANTOLIK, Special Agent; et al.,

Defendants - Appellees.

No. 05-55939

D.C. No. CV-05-00204-TJW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
Thomas J. Whelan, District Judge, Presiding

Submitted January 23, 2006^{**}

Before: T.G. NELSON, SILVERMAN and BYBEE, Circuit Judges.

The Clerk shall file the following: appellant's opening brief received
August 3, 2005, appellant's motion for appointment of counsel received August 3,

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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2005, appellant's amended proof of service received August 5, 2005, and appellant's letter received September 26, 2005.

A review of the record, the opening brief, and appellant's response to the October 19, 2005 order to show cause indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.